**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :8872 of 2007**

**DATED:26-04-2007**

**BETWEEN:**

Smt.P.Srinivasulu.

**..... PETITIONER**

AND

The State of A.P.,
Rep., by its Special Chief Secretary,
Secretariat,
Hyderabad & another.

**.....RESPONDENTS**

**ORDER:**

Heard learned counsel appearing for the petitioner; learned Government Pleader for Home; and learned Government Pleader for General Administration appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring that the order of attachment of the property admeasuring Ac.1.24 guntas in Sy.No.27 situated at Thimminaidupalem, Thirupathi by releasing G.O.Ms.No.7, dated 09-01-2006, as illegal, and arbitrary.

3. It is stated that the Directors of M/s Vijetha Agro Farms (India) Limited failed to repay the money to the public and therefore, the Government in exercise of its powers under Section 3 of the A.P.Protection of Depositors of Financial Establishments Act, 1999 ( for brevity, 'the Act') passed interim attachment of the properties of the said Directors of the Farm shown in Annexure-I-IV of the G.O.Ms.No.7, dated 09-01-2006, and the 2nd respondent-Additional Director General of Police, C.I.D., A.P., Hyderabad was appointed as competent authority to take necessary further action as per the provisions of the Act and Rules, and the said competent authority filed Crl.M.P.No.202 of 2006 in Cr.No.22 of 2004 in S.C.No.1/FD/2006 before the Principal District Sessions Judge, Guntur for making the said interim attachment order absolute, and

the petitioner herein is shown as 130th respondent. It is stated that the petitioner purchased an extent of Ac.1.24 guntas of land in Sy.No.27 which is described at S.No.16 Annexure-II of the said G.O., on
03-08-2004. But however since there is no Presiding Officer the matter is kept pending. Hence, the present Writ Petition.

4. Having regard to the facts and circumstances of the case, I am of the opinion that the petition filed by the petitioner questioning the interim attachment of the properties of the said Farm is not maintainable as under Section 7(3) of the Act any person claiming an interest in the property attached or any portion thereof is entitled to make an objection before the Special Court before the order of attachment is made absolute.

5. It is stated that the petitioner already filed objections in Crl.M.P.No.202 of 2006 in Cr.No.22 of 2004 in S.C.No.1/FD/2006, dated 19-09-2006, but the learned Principal District Judge in Full Additional Charge is not disposing of the said application since there is no regular Principal District Judge. I am of the opinion that the learned Principal District Judge who is in full additional charge is also entitled to consider and dispose of the same in accordance with law. As the said application is pending before the Special Court under the said Act, the learned Principal District Judge in Full Additional Charge is directed to consider and dispose of the said application in accordance with law as expeditiously as possible.

6. Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to take appropriate action as contemplated under the relevant provisions of the Act. No order as to costs.

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**V.ESWARAIAH,J**

26th April, 2007.
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